UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,673	10/23/2003	Joseph S. Beda	13768.783.164	9664

47973	7590	04/19/2007		EXAMINER

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EXAMINER

YANG, RYAN R

ART UNIT	PAPER NUMBER
2628	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/693,673	BEDA ET AL.
	Examiner	Art Unit	
	Ryan R. Yang	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _15 May 2006_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-35_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-35_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _3/7/07_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Election/Restrictions

1.   Applicant's election without traverse of claims 36-64 in the reply filed on

1/30/2007 is acknowledged.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

5/15/2006 has been entered.

3.   This action is responsive to communications: Amendment, filed on 5/15/2006.

This action is non-final.

4.   Claims 1-35 are pending in this application. Claim 1 is independent claims. In the

Amendment, filed on 5/15/2006, claim 1 was amended.

5.   The present title of the invention is "Visual and scene graph interfaces" as filed

originally.

Double Patenting

6.   Claims 1-64 provisionally rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 1-64 of

copending Application No.10/693,630. Although the conflicting claims are not identical,

they are not patentably distinct from each other because both sets of claims recited

similar inventive concept of a computer implemented method and system for

manipulating computer graphics data to output graphics.

This is a <u>provisional</u> obviousness-type double patenting rejection because the

conflicting claims have not in fact been patented.

Applicant indicated in the arguments filed 11/28/2005 that a terminal disclaimer

will be filed upon indication of allowable subject matter.

Claim Rejections - 35 USC § 112

7.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8.   Claims 1-35 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention.

As per claim 1, the added limitation "in a markup language that is in an original

format" is not contained in the specification. The specification has not explained what is

in original format.

Claim Rejections - 35 USC § 102

9.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

10.   Claims 1-35 are rejected under 35 U.S.C. 102(e) as being anticipated by David et

al. (US 2004/0189669)

Regarding claim 1, David et al discloses that the claimed feature of in a

computing environment, a method comprising, receiving a function call [i.e.

"function/method calls"] via an application program interface of an object [i.e. "Apt";

212], the object part of an object model associated with a scene graph ["scene graph

data structure"] (See Fig 2, Fig 3, [47],[49-51]); responding to the function call ["calls"]

by causing data in the scene graph to be modified. (See [13],[47-51],[53],[61])

11.   Regarding claim 2, David et al discloses that causing data in the scene graph to

be modified comprises causing initialization of a new instance of a visual class. (See

[47-51],[53],[63])

12.   Regarding claim 3, David et al discloses that causing data in the scene graph to

be modified comprises invoking code to associate a transform ["transform"] with a visual

object in the scene graph. (See Abstract line 9, [14],[66],[75],[120-122])

13.   Regarding claim 4, David et al discloses that causing data in a scene graph data

structure to be modified comprises invoking code to place a drawing visual into the

scene graph. (See [47-51],[53],[63])

14.   Regarding claim 5, David et al discloses that causing a drawing context to be returned, the drawing context providing a mechanism for rendering into the drawing visual. (See Fig 2, Fig 3, [47],[49-51],[65])

15.   Regarding claim 6, David et al discloses that causing data in the scene graph to be modified comprises invoking code to associate brush ["brush"] data with a visual object in the scene graph. (See [61],[102])

16.   Regarding claims 7-11, David et al discloses that the brush data comprises receiving data corresponding to a solid color ["color"], a linear/radial gradient brush, an image effect to apply to the image. (See [61],[102])

17.   Regarding claim 12, David et al discloses that receiving pen data in association with the function call, and wherein causing data in a scene graph data structure to be modified comprises invoking a pen function ["pen"] that defines an outline of a shape. (See [61],[102],[149])

18.   Regarding claims 13-16, David et al discloses that causing data in a scene graph data structure to be modified comprises invoking code to represent an ellipse/rectangle/path/line in the scene graph data structure. (See [61],[72],[82],[120])

19.   Regarding claims 17-19, David et al discloses that causing data in a scene graph data structure to be modified comprises invoking code related to hit testing/transforming coordinates/calculating a bounding box of a visual in the scene graph data structure. (See [66],[72-75],[99],[120],[122])

20.   Regarding claim 20, David et al discloses that causing data in a scene graph

data structure to be modified comprises invoking code to place a visual object in the

scene graph data structure. (See [163])

21.   Regarding claim 21, David et al discloses that invoking a visual manager to

render a tree of at least one visual object to a rendering target. (See Fig 2, Abstract,

[79],[103])

22.   Regarding claim 22, David et al discloses that causing data in a scene graph

data structure to be modified comprises invoking code to place a container [i.e.

"container"] object in the scene graph data structure, the container object configured to

contain at least one visual object. (See [10],[59])

23.   Regarding claim 23, David et al discloses that causing data in a scene graph

data structure to be modified comprises invoking code to place image data into the

scene graph data structure. (See [61])

24.   Regarding claim 24, David et al discloses that causing data in a scene graph

data structure to be modified comprises invoking code to place an image effect object

into the scene graph data structure that is associated with the image data. (See

[69],[80])

25.   Regarding claim 25, David et al discloses that causing data in a scene graph

data structure to be modified comprises invoking code to place data corresponding to

text ["text"] into the scene graph data structure. (See [76])

26.   Regarding claim 26, David et al discloses that causing data in a scene graph

data structure to be modified comprises invoking code to provide a drawing context in

response to the function call. (See [47-51],[53],[63])

27.   Regarding claim 27, David et al discloses that the function call corresponds to a

retained visual, and further comprising, calling back to have the drawing context of the

retained visual returned to the scene graph data structure. (See Fig 2, Fig 3, [47],[49-

51],[65])

28.   Regarding claim 28, David et al discloses that causing data in a scene graph

data structure to be modified comprises invoking code to place a three-dimensional

visual into the scene graph data structure. (See [11],[13])

29.   Regarding claim 29, David et al discloses that causing data in a scene graph

data structure to be modified comprises invoking code to map a two-dimensional

surface onto the three dimensional visual. (See [70])

30.   Regarding claim 30, David et al discloses that causing data in a scene graph

data structure to be modified comprises invoking code to place animation data

["animation"] into the scene graph data structure. (See [54],[58])

31.   Regarding claim 31, David et al discloses that communicating timeline [i.e.

"timeline"] information corresponding to the animation data to a composition engine.

(See [54],[58],[126-127],[149-166])

32.   Regarding claim 32, David et al discloses that the composition engine

interpolates graphics data based on the timeline [i.e. "timeline"] to animate an output

corresponding to an object in the scene graph data structure. (See [54],[58],[126-127],[149-166])

33.   Regarding claim 33, David et al discloses that receiving a function call via an interface comprises receiving markup [i.e. "markup"], and wherein causing data in a scene graph data structure to be modified comprises parsing the markup into a call to an interface of an object. (See [47],[50])

34.   Regarding claim 34, David et al discloses that causing data in a scene graph data structure to be modified comprises invoking code to place an object corresponding to audio ["audio"] and/or video ["video"] data into the scene graph data structure. (See [148])

35.   Regarding claim 35, David et al discloses that causing data in a scene graph data structure to be modified comprises invoking code to change a mutable value ["mutable"] of an object in the scene graph data structure. (See [10],[119])

Response to Arguments

36.   Applicant's arguments filed 5/15/2006 have been fully considered but they are not persuasive.

Applicant tries to define pages 24-28 of specification as the language in original format. In reply, Examiner contends since the original specification does not explain the nature of the language, the "original format" limitation constitutes new matter.

As for the prior art rejection, since applicant explains in his arguments that vector graphic elements and function/method calls are in their original format (page 18), David et al clearly teach such limitation as in [0049].

Conclusion

37.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan R Yang whose telephone number is (571) 272-7666. The examiner can normally be reached on M-F 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Yang
Primary Examiner
April 13, 2007